

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

HELEN ROYCE BABCOCK

Claim No. CU - 1508

Decision No. CU - 2115

Under the International Claims Settlement
Act of 1949, as amended

AMENDED PROPOSED DECISION

By its decision issued July 24, 1968 the Commission certified a loss to the claimant, in the amount of \$2,100.00, based upon the loss of six plots of real property situated in Cuba.

Evidence having been discovered and submitted of another item, Lot 28, with improvements, the Proposed Decision is hereby amended.

On the basis of the record, the Commission finds that claimant and her husband owned a plot of land, No. 28, in Nueva Gerona, Isle of Pines, improved by landscaping, and a house, with usual furnishing.

The Commission further finds that this property was taken on December 6, 1961, pursuant to Cuban Law 989. Upon the death of claimant's husband, in 1965, claimant became the sole owner of the claim against the Government of Cuba arising from this taking.

On the basis of the record, including copies of cancelled checks, original notations, affidavits and descriptions, the Commission finds that on December 6, 1961 the landscaped lot 28 had a value of \$1,230.00; and the house and its improvements and fixtures had a value of \$2,422.00. Further, the personalty as claimed, having been acquired in about 1958, is subject to depreciation at the rate of 10% per year. Thus the value on the date of loss was \$393.30. Accordingly, the Commission finds that claimant succeeded to and suffered a loss with respect to this part of her claim, in the amount of \$4,045.30.

Accordingly, the Certification of Loss, as restated below, will be entered and in all other respects the Proposed Decision is affirmed.

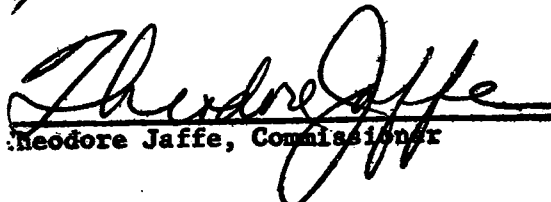
CERTIFICATION OF LOSS

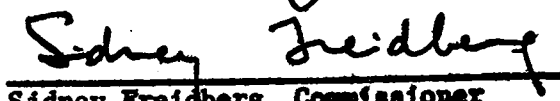
The Commission certifies that HELEN ROYCE BABCOCK suffered a loss, as a result of the actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Six Thousand One Hundred Forty-five Dollars and Thirty Cents (\$6,145.30) with interest thereon at the rate of 6% per annum from December 6, 1961 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

AUG 19 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner


Sidney Freidberg, Commissioner

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

HELEN ROYCE BABCOCK

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -1508

Decision No. CU

2115

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$2,100.00, was presented by HELEN ROYCE BABCOCK and is based upon the asserted loss of real property situated in Cuba. Claimant has been a national of the United States since her birth.

Under Title V of the International Claims Settlement Act of 1949, as amended, [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

Claimant asserts that in 1955, she and her husband, Fred Hayes Babcock, purchased six unimproved lots of land on the Isle of Pines. As evidence in support of this contention, claimant has submitted a copy of Instrument Number 93 of April 14, 1955, which is a Contract of Purchase and Sale. The contract recites that claimant and her husband purchased Lots 4, 5, 6, 23, 24 and 25 of Buena Vista, Sierra de Casas, Isle of Pines, Cuba for \$1,800.00.

The record establishes that Fred Hayes Babcock, a national of the United States since birth, died intestate on August 30, 1965. The record further establishes that claimant is her late husband's sole heir. Claimant and her husband left Cuba for the last time in 1960.

In addition to the consideration paid for the lots on the Isle of Pines, claimant states that the land was cleared, a well installed, and that the entire property was fenced. Claimant states that the cost of these improvements was \$300.00, and thus claims a total of \$2,100.00.

On the basis of the evidence of record, and in the absence of evidence to the contrary, the Commission finds that claimant and her late husband owned the above-described property on the Isle of Pines from April 14, 1955, until their departure from Cuba in July, 1960.

On December 6, 1961, the Government of Cuba published its Law 989 (Official Gazette, XXIII, No. 237, p.23705) which confiscated by its terms all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country.

As the record shows, in July, 1960, claimant and her husband had left Cuba and were resident in the United States. The Commission finds, in the absence of evidence to the contrary, that the subject real property was taken by the Government of Cuba on December 6, 1961, pursuant to the provisions of Law 989.

The Act provides in Section 503(a) that in making determinations with respect to the value of properties, rights and interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to fair market value, book value, going concern value or cost of replacement. The Commission has carefully considered all the evidence of record, and finds that \$2,100.00 is a fair value for the real property which was taken by the Government of Cuba on December 6, 1961. The Commission concludes, therefore, that claimant succeeded to and suffered a loss in that amount, within the meaning of Title V of the Act.

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement. (See the Claim of Lisle Corporation, FCSC Claim No. CU-0644).

Accordingly, the Commission concludes that the amount of loss sustained by claimant shall be increased by interest thereon at the rate of 6% per annum, from December 6, 1961 to the date on which provision is made for the settlement thereof.

CU-1508

CERTIFICATION OF LOSS

The Commission certifies that HELEN ROYCE BABCOCK suffered a loss, as a result of the actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Thousand One Hundred Dollars (\$2,100.00) with interest thereon at the rate of 6% per annum from December 6, 1961 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

JUL 24 1968

Leonard v. B. Sutton
Leonard v. P. Sutton, Chairman

Theodore Jaffe
Theodore Jaffe, Commissioner

Sidney Freidberg
Sidney Freidberg, Commissioner

Notice: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

CU-1508